

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JPMORGAN CHASE BANK, N.A.,	:	
	:	Case No.: 2:10-CV-06141 (SRC) (MAS)
Plaintiff,	:	
	:	
v.	:	[PROPOSED] ORDER
	:	
REPUBLIC MORTGAGE INSURANCE	:	
COMPANY and REPUBLIC	:	
MORTGAGE INSURANCE COMPANY	:	
OF NORTH CAROLINA,	:	
	:	
Defendants.	:	
	:	

This matter coming to be heard on defendants Republic Mortgage Insurance Company and Republic Mortgage Insurance Company of North Carolina's ("RMIC") Motion to Dismiss Second Amended Complaint and for More Definite Statement, and this Court having reviewed the papers and argument presented in connection therewith; and for good cause shown, IT IS HEREBY,

ORDERED that RMIC's motion for dismissal pursuant to Rule 12(b)(6) is granted;

ORDERED that the claims in Counts I, II and IV of the Second Amended Complaint are dismissed with prejudice as to the 369 List-Only Certificates, because the Counts fail to allege sufficient facts to support plausible claims of breach of contract, bad faith and breach of fiduciary duty, or negligence;

ORDERED that the claims in Count III of the Second Amended Complaint for declaratory judgment are dismissed with prejudice, because Count III seeks an impermissible advisory opinion;

ORDERED that the claims in Counts V and VI of the Second Amended Complaint are dismissed with prejudice, because neither Count states a claim for statutory violations.

ORDERED that the claims in Count IV are dismissed with prejudice as to Certificate Nos. 0704631012 and 0802331526;

ORDERED that RMIC's Rule 12(e) Motion for More Definite Statement as to the Eight Certificates is granted; and it is further

ORDERED that Plaintiff shall re-plead in a manner compliant with Rules 8(a) and 10(b) and provide a more definite statement as to the claims applicable to the Eight Certificates, including:

As to the Breach of Contract Claims

- Identification of the certificate(s) as to which Chase purports to bring a claim
- Identification of the allegedly valid claim submitted by Chase under each such certificate
- Identification of each contractual provision RMIC allegedly breached in rescinding each certificate
- Brief statement of the nature of each alleged breach in rescinding each such certificate

As to the Bad Faith and Breach of Fiduciary Duty Claims

- Identification of the certificate(s) as to which Chase purports to bring a claim
- Brief statement of the nature of RMIC's alleged bad faith conduct in rescinding each certificate
- Identification of any fiduciary duties Chase alleges RMIC owed
- Brief statement of the nature of RMIC's breach of fiduciary duty in rescinding each certificate

As to the Negligence Claims

- Identification of the certificate(s) as to which Chase purports to bring a claim
- Identification of duties Chase alleges RMIC owed in performing its duties as insurer and the acts or omissions in rescinding each certificate by which RMIC allegedly breached the duties
- Brief statement of the nature of RMIC's alleged failure to exercise reasonable care in connection with any such duties in rescinding that each certificate.

Entered on this ____ day of _____, 2011.

Hon. Stanley R. Chesler, U.S.D.J.